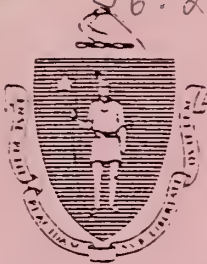
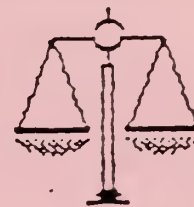


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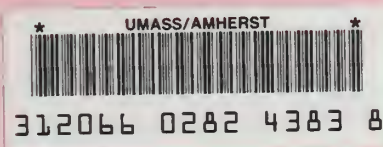


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RESEARCH REPORT

THE HIT AND RUN ACCIDENT---IT'S A CRIME

GOVERNMENT DOCUMENT
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ABSTRACT

Leaving the scene of an accident is a very serious crime in our society. Unfortunately, this offense and its offenders have rarely been examined.

Over 54% of the offenders in this study were charged with leaving the scene of an accident after causing property damage, while 30.6% were charged with causing personal injury. The remaining 15.2% were charged with causing both property damage and personal injury.

Approximately 9.5% of the dispositions imposed for property damage offenses involved some form of incarceration, while the majority of cases, 48.9% received sentences to be served in the community. The remaining 41.6% of the cases were either dismissed or sealed.

Dispositions imposed upon personal injury offenders were somewhat similar to those for property damage offenders, although a higher number of offenders (12.8%) received some form of incarceration. Sentences to be served in the community were given to 48.5% of the cases, while the remaining 38.6% of the cases were either dismissed or sealed.

Other findings of those charged with leaving the scene of an accident include:

- 1) Seventy-eight percent of the offenders were between the ages of 17 and 30
- 2) Almost 65% of the defendants were also charged with a simultaneous offense, of which 83.4% were motor vehicle violations
- 3) Forty-nine percent of the simultaneous motor vehicle offenses were for drunk driving, while an additional 46% were for operating to endanger
- 4) Almost 32% of the offenders had previous charges of drunk driving, 25.2% had previous charges of operating to endanger, and 24.5% had prior hit and run offenses on their record

TABLE OF CONTENTS

	PAGE
<u>ACKNOWLEDGEMENTS</u>	i
<u>ABSTRACT</u>	ii
<u>TABLE OF CONTENTS</u>	iii
I. <u>Introduction</u>	1
II. <u>Literature Review</u>	2
III. <u>Methodology</u>	7
IV. <u>Research Findings</u>	10
A. <u>Offender and Court Profile</u>	10
1. Characteristics of the Hit and Run Offender	10
2. Original Court of Arraignment	11
3. Final Court of Disposition	13
B. <u>Charges for Target Offense and Simultaneous Offenses</u> ...	15
4. Original Charge	15
5. Total Number of Counts	15
6. Simultaneous Offense by Categories	16
7. Dispositions for Simultaneous Offenses	17
C. <u>Dispositions for Leaving the Scene of an Accident</u>	18
8. Total Number of Counts for Leaving the Scene of an Accident	19
9. Dispositions for Leaving the Scene of an Accident	20
10. Dispositions for Leaving the Scene Offenders Simultaneously Charged with Drunk Driving	22
11. Dispositions for Leaving the Scene Offenders NOT Simultaneously Charged with Drunk Driving	24
12. Dispositions for Simultaneous Drunk Driving Offenses	26

13.	Length of Disposition for Leaving the Scene Offenders	28
14.	Time to Disposition	30
D.	<u>Prior Charges/Convictions for Motor Vehicle Violations</u>	31
15.	Prior Charges/Convictions for Major Motor Vehicle Offenses	31
16.	Prior Charges/Convictions for Hit and Run Offenses	32
17.	Prior Charges/Convictions for Driving Under the Influence of Alcohol	33
18.	Prior Charges/Convictions for Operating to Endanger	34
19.	Prior Charges/Convictions for Violation of Compulsory Insurance Law	35
20.	Prior Charges/Convictions for Operating After Suspension/Revocation of License	35
21.	Prior Charges/Convictions for Larceny of a Motor Vehicle	36
22.	Prior Charges/Convictions for Use Without Authority	37
23.	Prior Charges/Convictions for Speeding	38
V.	<u>Conclusion</u>	39
VI.	<u>Appendix</u>	40
A.	Massachusetts General Laws, Chapter 90, Section 24	41
B.	Major Motor Vehicle Offenses	42
C.	Simultaneous Offense Distribution	43
VII.	<u>Addendum</u>	45
VIII.	<u>Bibliography</u>	46

I. INTRODUCTION

Leaving the scene of an accident, more commonly referred to as a "hit and run accident", is a very serious problem in Massachusetts as well as the entire nation. This offense is defined as a collision between two or more motor vehicles, or between a motor vehicle and a pedestrian, in which the operator of the motor vehicle leaves the scene without identifying him/herself and in the case of personal injury, does not render aid.

In Massachusetts, an accident of this sort is classified into two distinct categories: 1) leaving the scene of property damage and 2) leaving the scene of personal injury. These offenses are defined under Massachusetts General Laws, Chapter 90, Section 24 (2) (a), and can be found in Appendix A.

The purpose of this study is to profile approximately 400 individuals charged with leaving the scene of an accident after causing personal injury, property damage, or both. This report analyzes the offender's personal characteristics as well as the dispositions rendered for the target and simultaneous offenses. Prior motor vehicle offenses and convictions were also examined.

II. LITERATURE REVIEW

Leaving the scene of an accident, especially where personal injury is involved, is a serious crime in our society. This offense is different from other motor vehicle offenses in that it is difficult to investigate and prosecute. As a result, hit and run accident statistics are rarely kept. If recorded, statistics will usually depict fatalities and injuries rather than property damage.

In 1984, the All-Industry Research Advisory Council released a study entitled, "Evaluation of Motor Vehicle Records...As a Source of Information on Driver Accidents and Convictions." The study found that although accident reporting techniques vary from state to state, all states require that accidents involving fatalities and injuries be reported to insurance agencies. Thirty-seven states that maintain public accident records on individual motorists were sampled. Massachusetts, as well as twelve other states, and the District of Columbia were excluded from the study because they "do not permit insurer access to their motor vehicle records" (AIRAC, 1984:1).

In the state of California, the California Highway Patrol (CHP), is able to keep statistics on hit and run accidents through use of their Statewide Integrated Traffic Records Reporting System (SITRS). The CHP in their 1983 Annual Report of "Fatal and Injury Motor Vehicle Traffic Accidents", reported that 349 people died in 323 fatal hit and run accidents. These figures represent 8% of the total fatal accidents in that state during 1983. One hundred and eighty of the fatal hit and run accidents involved pedestrians and claimed 183 lives (CHP, 1983:42). The CHP also reported that there were 17,024 hit and run accidents during 1983 which injured 23,081 people. These figures represent over 8% of the total number of motor vehicle injury accidents in California during 1983. 2,223 of the hit and run accidents caused personal injury to 2,392 pedestrians (CHP, 1983:42).

In the state of Florida, the Department of Highway Safety and Motor Vehicles reported 24 fatal hit and run accidents and 27 fatalities in 1983. In 1984, there were 22 fatal accidents claiming the lives of 25 people. Florida's Department of Highway Safety and Motor Vehicles obtain their data through implementation of the Statewide Traffic Accident Management Information System (STAMIS). This system enables them to collect statistics on a statewide basis from all law enforcement agencies which investigate traffic accidents (Gaches, Letter: 1986).

In Massachusetts, the Registry of Motor Vehicles reported 10 fatal hit and run accidents in 1984 that claimed 10 lives. They reported the same figures for 1985. The Registry of Motor Vehicles was also able to provide statistics on the number of pedestrian fatalities in the City of Boston, from January 1982 through December 1985. During that period, 71 pedestrians died in motor vehicle accidents. Seven of these deaths resulted from hit and run accidents (RMV, Letter/Interview: 1986).

Across the United States, laws governing hit and run accidents were designed to "prevent a driver from fleeing the scene of an accident so as to evade responsibility for an accident, and to prevent the victim from being left to suffer or die without timely medical aid (Haskell, 1977:37)."

In Massachusetts, some criminal justice authorities believe that a person who knowingly leaves the scene of an automobile accident as to evade responsibility does so for several reasons. These reasons include:

1. The offender was operating an uninsured or unregistered automobile
2. The offender was operating an automobile after his/her license had been suspended or revoked
3. The offender was driving under the influence of alcohol
4. The offender was with a companion he/she should not have been with (i.e. a male operator was with a woman who was not his wife)
5. The offender was operating a stolen motor vehicle
6. The offender was in a location that he/she should not have been (i.e. the accident occurred when the operator should have been at work) (Interviews: 1985-6).

Federal Bureau of Investigation (FBI) officials have discovered that some hit and run offenders go even further in evading their legal responsibilities by reporting their motor vehicle as stolen (FBI, 1976:15). The Massachusetts Legislature states within the Massachusetts General Laws (MGL), Chapter 90, Section 24, that:

"Inference of consciousness of guilt from accused's filing of a false report of theft of an automobile, while not conclusive, can be sufficient with other evidence to prove guilt of leaving the scene of a motor vehicle accident without making himself known (MGL, Chapt. 90, Sec.24)".

The New York Times (May 10, 1985) reported that a New York City Police Officer charged with leaving the scene of an accident in which a bicyclist was injured, attempted to cover up his crime by reporting his license plates as stolen. The Times indicated that the officer filed the report the day after the accident occurred, and indicated that the plates were missing approximately four hours before the offense occurred.

As stated previously, hit and run accidents are unique from other motor vehicle accidents because the driver involved leaves the scene, therefore making it difficult to investigate and prosecute. Problems involving the investigation of hit and run accidents are discussed as follows:

A. INVESTIGATIONS

The investigation of the causes of a motor vehicle accident as well as the investigation of criminal activity is a vital aspect of our judicial system. While investigating hit and run accidents, many police officers or accident investigators find it difficult to locate witnesses as well as gather concrete evidence (FBI, 1977:12).

Arriving at the scene of an accident is critical in the investigation stage. Once the investigator arrives, it is very important that he/she thoroughly examines the scene of the crime for evidence, as "an unguarded scene and contaminated evidence" are common and can hinder the investigation (Coulon, 1982: 24). A thorough investigation of a hit and run accident is, however, virtually impossible. One technique used in the investigation of hit and run accidents is the scientific reconstruction of the accident. This technique involves the measurement of skid marks and skuff marks, as well as the establishment of speed at the time of the collision (Coulon, 1982:26). Also useful in the investigation are: glass fragments, grille parts and paint chips (Coulon, 1982:25).

Besides evidence extracted from the automobile parts left behind, other evidence used to prove hit and run accidents include hair, blood and tissue samples. Clothing fibers are also used to prove an offender's involvement or to place his automobile at the scene. For example, FBI officials, after examining a suspect automobile, found a fragment of cloth from the shirt the victim wore. After comparing both fibers underneath a microscope, officials were able to identify a match based on the color sequence, strand length, yarn construction, and fiber type (FBI, 1976:13).

To illustrate these techniques, in the Massachusetts case, Commonwealth v. Geisler (438 N.E.2d.375), "an expert witness was able to reconstruct 90 to 95% of the missing portion" of the suspect car's grille from the broken pieces of plastic found "along the road where the accident took place" and after analyzing the fibers taken from the right fender and tire of the suspect's automobile, they were able to prove that the evidence discovered was consistent with fibers of the clothing worn by the victim (438 N.E.2d 375).

- B. - COURT ROOM PROCEDURE

The second major problem involving hit and run accidents occurs within the courtroom. The prosecution of a hit and run accident is difficult in that the victim, if he/she has survived, usually can only provide a description of the vehicle and a license plate number (Hackett, 1977:38).

Problems may also arise in some cases because, even though a person is the registered owner of a vehicle, he/she may not have been the driver of the vehicle on the date and time the accident occurred (Hackett, 1977:38).

During the initial investigation of hit and run cases, investigating officers tend to overlook proof of driving as possible circumstantial evidence (Hackett, 1977:38).

Types of circumstantial evidence allowed in court to help determine the driver in a hit and run accident include:

1. Placing the defendant in the motor vehicle shortly before or after the accident in question
2. Keys to the vehicle found in the defendant's possession
3. Custom and habit of defendant driving along a route
4. Resemblance of a driver although no positive identification
5. Business record of a company-owned vehicle indicating that the defendant was possessor of the vehicle on the date and time in question (Hackett, 1977:38)

In another 1985 hit and run case in New York City, the New York Times (June 25, 1985) reported that a New York City police officer was indicted on charges of leaving the scene of an accident and tampering with public records to cover up an accident in which the unmarked police cruiser that he was operating collided with and injured a young bicyclist. The Times went on to state that a fellow NYPD officer was indicted for tampering with and falsifying official records to make it appear that the unmarked police car had been returned to the police garage before the accident occurred.

Witnesses to the accident noticed that the hit and run vehicle was an unmarked police car when they observed a red tear drop shape light on the car's dashboard. A police log book revealed that "the car had been taken out and returned to the unit...at 5:15 p.m.", which was approximately 45 minutes before the accident occurred. Police officials reported that upon examination of the suspect vehicle, scratches, as well as traces of paint believed to have come from the victim's bicycle, appeared on the fender.

Throughout this literature review, much of the available literature regarding hit and run accidents addressed investigations and judicial prosecutions rather than the actual offense or the offender. Very little statistical data is kept on hit and run accidents, and what is kept usually depicts fatalities or injuries rather than property damage. Therefore, in light of the lack of literature on hit and run accidents, this study provides some important new baseline data on the offense and the offender.

III. METHODOLOGY

The data for this study were obtained from two main sources, both of which were made available by the Management Information Division (MID) located in the Office of Commissioner of Probation (OCP) in Boston, Massachusetts. One of the major functions of OCP is to maintain a central file or location, for all adult and juvenile offender records processed throughout the Commonwealth of Massachusetts. From 1924 to the present, Probation Central File (PCF) has collected and maintained over six million statewide criminal records.

Major functions of PCF include continuous updating of the files with criminal offender record information, and more recently, the computer automation of these records. Automation of criminal records, a function performed daily by the Electronic Data Processing Division (EDP) of OCP, began in May, 1984. Offenses for all individuals arraigned after this date are immediately entered into this new EDP data base.

For the period of May, 1984 to September, 1985, a computerized list that contained the names, dates of birth, offenses, arraignment dates, and docket numbers of individuals charged with the target offenses of leaving the scene of property damage, personal injury, or both, was provided for the Researchers by EDP. This data list contained approximately 10,000 entries from which a sample of approximately 400 cases of individuals charged with leaving the scene of an accident were selected randomly.

The second source that completed our data base was the Probation Central File. From this file, the criminal records for 396 of the 400 sampled individuals charged with leaving the scene of an automobile accident were obtained. Criminal records for 4 individuals were not available and were therefore eliminated from the sample. The following variables were analyzed for this study:

1. Age
2. Sex
3. Target Offense
4. Court of Arraignment
5. Court of Disposition
6. Disposition of Target Offense
7. Simultaneous Offense(s)
8. Disposition of Simultaneous Offense(s).
9. Number of Prior Major Motor Vehicle Offenses
10. Number of Prior Major Motor Vehicle Convictions

These variables were analyzed both separately and collectively, making it possible to create a profile of the offender charged with leaving the scene of an accident.

One limitation of the sample in this study is that, on a statewide basis, a number of hit and run cases result in a finding of

"not guilty", "no bill", or "no probable cause". Under Massachusetts General Law, Chapter 276, Section 100, such cases are to be sealed, thus these cases were never examined by the Research Department.

The following operational definitions are used throughout this paper:

ARRAIGNMENT: The procedure whereby the accused is brought before the court and is informed in an orderly manner of the charges brought against him/her.

CONVICTION: Cases for which a finding of guilty resulted in incarceration, a suspended sentence, probation, cases which were filed, and cases in which a fine was imposed as a penalty.

PENDING: The adjournment or postponement of a session, hearing, trial, or other proceeding to a subsequent day or time. Offenders whose cases had not yet reached a final disposition as of 5/15/86 were placed into this category.

COUNTS: Simultaneous incidents of the target offense.

DISPOSITION: The result of the deliberations of a judge or jury.

INCARCERATION: Includes sentences to Houses of Correction, Massachusetts Correctional Institutions, or county jails.

MAJOR MOTOR VEHICLE OFFENSE(S): SEE APPENDIX B.

NOLLE PROSSE: A formal entry on the record by the prosecuting officer by which s/he declares that the case will not be prosecuted further.

SEALING OF RECORDS: Statutes in some states permit a person's criminal record to be sealed; thereafter records cannot be examined except by court order or by designated officials.

SPLIT SENTENCE: A sentence by which the offender is incarcerated for a specific period of time and the balance of the sentence is suspended usually with a period of probation to be served.

STRAIGHT DISMISSAL: Cases that were dismissed and whose time to disposition was five months or less. Straight dismissals are usually the result of a lack of prosecution or evidence, and/or the decision of the judge that the case should not go any further in court.

CONTINUANCE: A dispositional term; cases continued for six or more months that were ultimately disposed of. This additional period provides incentive for an individual to participate in rehabilitative programs which, upon successful completion, may result in case dismissal.

SUSPENDED SENTENCE: A sentence imposed by the court but not actually meant to be served except upon violation of other terms of the sentence, usually probation.

TIME TO DISPOSITION: The length of time between the initial arraignment and final disposition of the case.

IV. RESEARCH FINDINGS

A. OFFENDER AND COURT PROFILE

1: CHARACTERISTICS OF THE HIT AND RUN OFFENDER

Among the study's 396 offenders charged with leaving the scene of an accident, 89.9% (n=356) were male and 10.1% (n=40) were female.

These findings represent the female population at a slightly higher proportion than other Office of the Commissioner of Probation reports. For example, in the 1986 study, Motor Vehicle Homicide: The Offense and the Offender, by Enos, et. al., females represented 8.5% of the sample. In the 1985 study, Profile: Larceny of Motor Vehicle Defendants and the Criminal Courts Response, by Druker, et. al., females represented 8% of the defendants examined.

The age of the offender at the time he/she was arraigned in court on a charge of leaving the scene of an accident is also examined in Table 1. The offenders ranged in age from 17 to 69, while the median age was 24. Female offenders tended to be slightly older than their male counterparts. Their median ages were 24.5 and 23.5 respectively. Seventy-eight percent of the offenders in the study were between the ages of 17 and 30. The table below depicts age at arraignment by sex of offender.

Note: Due to sampling, the characteristic data presented in this study is different from that of other Office of the Commissioner of Probation reports in that juveniles (individuals under 17 years of age) were not represented.

TABLE 1: CHARACTERISTICS OF THE HIT AND RUN OFFENDER

<u>AGE AT ARRAIGNMENT</u>	<u>MALE</u>		<u>FEMALE</u>		<u>TOTAL</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
17 TO 19 YEARS	78	19.7	11	2.7	89	22.5
20 TO 24 YEARS	123	31.1	9	2.3	132	33.3
25 TO 30 YEARS	77	19.4	11	2.7	88	22.2
31 TO 36 YEARS	28	7.1	3	0.8	31	7.8
37 TO 48 YEARS	34	8.6	3	0.8	37	9.3
49 AND OLDER	16	4.0	3	0.8	19	4.8
TOTAL	356	89.9	40	10.1	396	99.9**

**Percentages do not add up to 100.0% due to rounding.

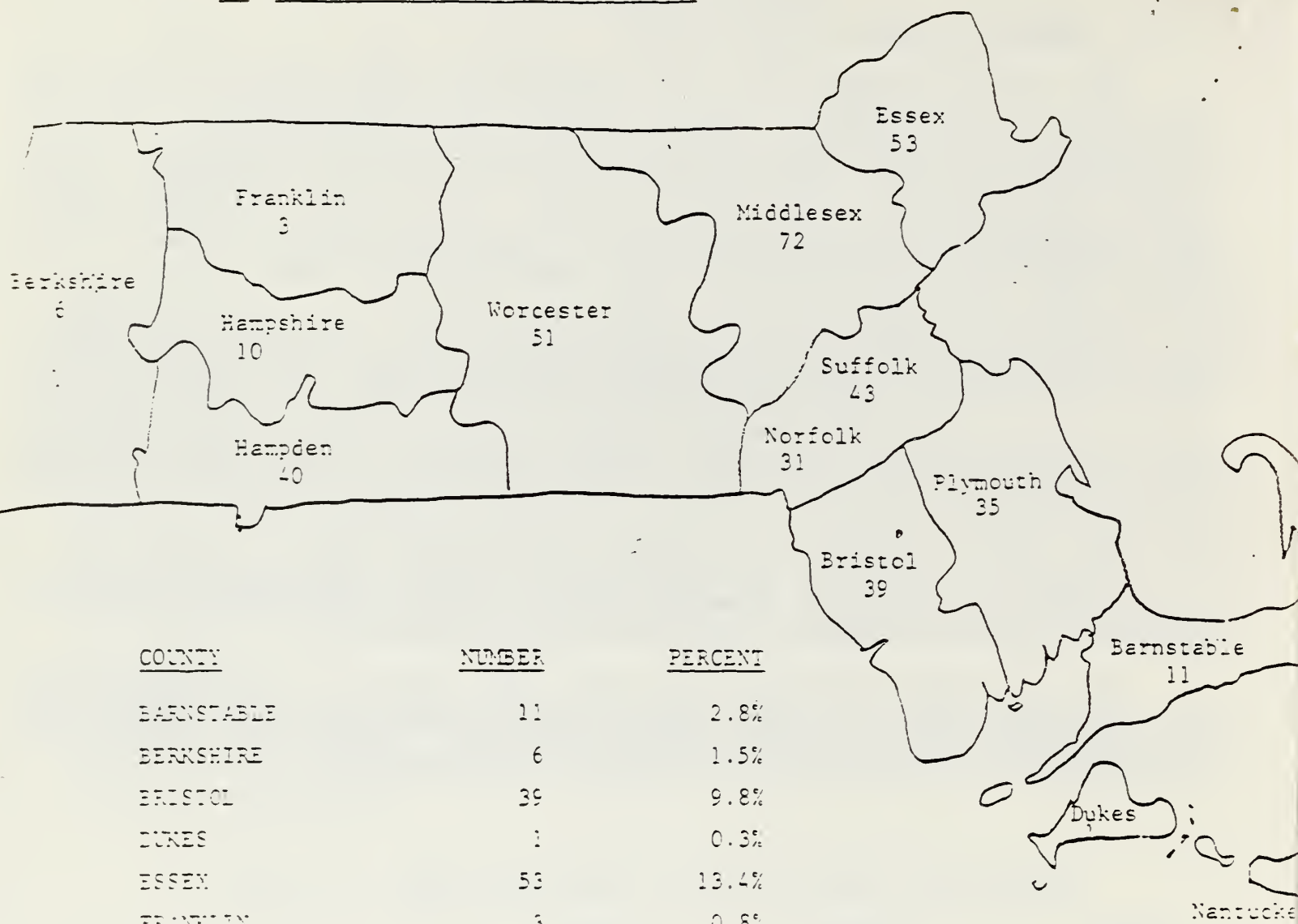
2: ORIGINAL COURT OF ARRAIGNMENT

The largest number of arraignments for hit and run accidents occurred in Springfield District Court and represented 6.6% (n=26) of the cases in this study. Lynn and Fall River District courts were responsible for the second largest amount of arraignments, each reporting 19 (4.8%). Brockton and Worcester District courts had 15 cases originating in their courts (3.8%), while Lowell District court was responsible for 12 cases (3.0%). The remaining courts were each responsible for less than 3% of the cases in this study.

Table 2 examines the distribution of hit and run arraignments throughout the Commonwealth of Massachusetts on a countywide basis. Middlesex County heard the most hit and run cases, representing over 18% (n=72) of the cases sampled in this study. Essex County heard 53 cases (13.4%), while Worcester County accounted for 51 cases (12.9%), and Suffolk County processed 43 cases (10.9%). These four counties were responsible for over half of all the cases in this study (55.4%, n=219).

Additionally, over seventy percent of the cases originated in a Trial Court in Eastern Massachusetts (Essex, Middlesex, Suffolk, Norfolk, Bristol, Plymouth, and Barnstable counties).

This finding correlates with the 1986 Office of the Commissioner of Probation report entitled Motor Vehicle Homicide: The Offense and the Offender, in which over 75% of the motor vehicle homicide cases originated in a Trial Court in Eastern Massachusetts.

TABLE 2: COURT OF ARRAIGNMENT BY COUNTY

<u>COUNTY</u>	<u>NUMBER</u>	<u>PERCENT</u>
BARNSTABLE	11	2.8%
BERKSHIRE	6	1.5%
BRISTOL	39	9.8%
DUKES	1	0.3%
ESSEX	53	13.4%
FRANKLIN	3	0.8%
HAMPDEN	40	10.1%
HAMPSHIRE	10	2.5%
MIDDLESEX	72	18.2%
NANTUCKET	1	0.3%
NORFOLK	31	7.8%
PLYMOUTH	35	8.8%
SUFFOLK	43	10.9%
WORCESTER	51	12.9%
TOTAL	396	100.1%**

**Percentages do not add up to 100.0% due to rounding.

3: FINAL COURT OF DISPOSITION

Table 3 examines the court of final disposition. In Massachusetts, there are three primary reasons why jurisdiction of a case will be transferred from one court to another. In the first instance, the offender may have decided to exercise his/her right to a jury trial; therefore, jurisdiction in the District Court/Boston Municipal Court (BMC) will be terminated and his case transferred to the jurisdiction of a Jury of Six Court. In the second instance, jurisdiction in the District Court/BMC may have been denied due to the nature of the offense(s). The offender's case is then bound over to Superior Court. In this study, a bindover would usually occur if the offender had a serious simultaneous offense(s). Finally, any offender who decides to waive his/her right to a jury trial at the District Court arraignment can, at the time of disposition, appeal the outcome to a Jury of Six Court.

In this study, 82% of the cases remained in the District Courts/BMC for final disposition. Slightly over 12% of the cases (12.1%, n=45) were heard in a Jury of Six Court. (The Jury of Six Court hears both the appeals from District Court/BMC level and the cases in which the offender exercised his/her right to a first instance jury trial). Worcester and Salem Jury of Six Courts each represented 13.3% (n=6) of the jury court hearings.

A small percentage of cases in this study were heard in the Superior Court Department of the Massachusetts Trial Court. Statistics reveal that of the 396 offenders studied, 6.2% (n=23), had their case disposed of in Superior Court. One offender in Plymouth County had his/her case both arraigned and disposed of in Superior Court.

Over one-third of the cases disposed of in the Superior Court Department were heard in Suffolk Superior Court (34.8%, n=8).

TABLE 3: COURT OF FINAL DISPOSITION

<u>Court of Final Disposition</u>	<u>Number</u>	<u>Percent</u>
<u>DISTRICT/BOSTON MUNICIPAL COURT</u>		
BARNSTABLE COUNTY	8	2.1%
BRISTOL COUNTY	29	7.8%
DUKES COUNTY	1	0.3%
NANTUCKET COUNTY	1	0.3%
BERKSHIRE COUNTY	3	0.8%
ESSEX COUNTY	39	10.5%
FRANKLIN COUNTY	3	0.8%
HAMPDEN COUNTY	34	9.1%
HAMPSHIRE COUNTY	9	2.4%
MIDDLESEX COUNTY	63	16.9%
NORFOLK COUNTY	24	6.4%
PLYMOUTH COUNTY	25	6.7%
SUFFOLK COUNTY	27	7.2%
WORCESTER COUNTY	39	10.5%
<u>SUPERIOR COURT</u>		
BRISTOL SUPERIOR	3	0.8%
BERKSHIRE SUPERIOR	1	0.3%
ESSEX SUPERIOR	2	0.5%
HAMPDEN SUPERIOR	1	0.3%
MIDDLESEX SUPERIOR	2	0.5%
NORFOLK SUPERIOR	1	0.3%
PLYMOUTH SUPERIOR * *	2	0.5%
SUFFOLK SUPERIOR	8	2.1%
WORCESTER SUPERIOR	3	0.8%
<u>JURY OF SIX</u>		
BOSTON JURY	4	1.1%
LOWELL JURY	2	0.5%
FITCHBURG JURY	2	0.5%
SPRINGFIELD JURY	2	0.5%
BARNSTABLE JURY	2	0.5%
FALL RIVER JURY	5	1.3%
SALEM JURY	6	1.6%
HAVERHILL JURY	4	1.1%
FRAMINGHAM JURY	4	1.1%
CAMBRIDGE JURY	2	0.5%
DEDHAM JURY	4	1.1%
WAREHAM JURY	2	0.5%
WORCESTER JURY	6	1.6%
TOTAL	373	100.0%

* Courts of Final Disposition were missing in 23 cases

** 1 case originated in Superior Court possibly due to the nature of the offender's simultaneous offense(s).

B. CHARGES FOR TARGET OFFENSE AND SIMULTANEOUS OFFENSES

4: ORIGINAL CHARGE

The original charge for all of the cases in this study was leaving the scene of either property damage, personal injury, or both. A total sample of 396 offenders' cases were examined in this study. Of these cases, 215 (54.3%) were arraigned for leaving the scene of property damage, 121 (30.6%) were arraigned for leaving the scene of personal injury, and 60 (15.2%) were arraigned for both of the above target offenses. Table 4 illustrates these findings.

TABLE 4: ORIGINAL CHARGE

<u>OFFENSE</u>	<u>NUMBER</u>	<u>PERCENT</u>
LEAVING THE SCENE OF PROPERTY DAMAGE	215	54.3%
LEAVING THE SCENE OF PERSONAL INJURY	121	30.6%
BOTH	60	15.2%
TOTAL	396	100.0%

5: TOTAL NUMBER OF COUNTS

The total number of counts reflects the total number of charges for the offense of leaving the scene of an accident. In this study, every sampled individual was charged with at least one target offense. There was a grand total of 563 hit and run offenses. This data indicate that several individuals were charged with two, three, or even more counts; therefore making it necessary to examine the total number of counts separately.

The vast majority of offenders (73.5%, n=291), were arraigned on one count of leaving the scene of an accident. Over 18% (n=73) were arraigned on 2 counts, 3.3% (n=13) were arraigned on 3 counts, and 2.5% (n=10) were arraigned on 4 counts. Since both target offenses were included in the total number of counts, it was possible to find individuals with as many as five or six counts, as illustrated in Table 5.

TABLE 5: TOTAL NUMBER OF COUNTS FOR THE TARGET OFFENSE

<u>NUMBER OF COUNTS</u>	<u>NUMBER</u>	<u>PERCENT</u>
1	291	73.5%
2	73	18.4%
3	13	3.3%
4	10	2.5%
5	7	1.8%
6	2	0.5%
TOTAL	396	100.0%

6: SIMULTANEOUS OFFENSES

Simultaneous offenses are those offenses that occur in conjunction with the target offense, which in this report is leaving the scene of property damage, personal injury, or both. Data for this study show that of 396 individuals, 64.9% (n=257) were charged with at least one simultaneous offense. These 257 offenders were responsible for a total of 470 simultaneous charges, which suggests an average of almost two charges per offender in addition to the target offense.

Simultaneous offenses were examined as one of six categories including: motor vehicle offenses, crimes against persons, crimes against property, public order violations, controlled substance crimes, and "other" crimes. The majority of simultaneous charges were motor vehicle offenses (n=392, 83.4%) of which driving under the influence of liquor and operating to endanger were the dominant charges. Out of 257 individuals charged with simultaneous offenses, 49% (n=126) were charged with one count of driving under the influence of liquor, and almost 46% (n=118) were charged with operating to endanger. One offender had two simultaneous counts of driving under the influence of liquor. The results of this study differ somewhat from the results of a report entitled Motor Vehicle Homicide: The Offense and the Offender, released by the Office of the Commissioner of Probation in February 1986. Although the same simultaneous offenses were present in that study, operating to endanger dominated, with 72% of the simultaneous charges, while driving under the influence of liquor accounted for 43.6%. It appears that motor vehicle homicide is more often coupled with major crimes such as drunk driving and operating to endanger, while leaving the scene of an accident may occur in conjunction with a wider variety of offenses.

The second largest simultaneous offense category was crimes against persons, which represented almost 10.0% (n=46) of the total number of simultaneous offenses. It is interesting to note that

assault and battery with a dangerous weapon alone accounted for almost 48% (n=22) of the simultaneous offenses in this category.

The breakdown of charges for the remaining simultaneous offense categories was as follows: crimes against property (3.2%, n=15), public order crimes (2.3%, n=11), controlled substance crimes (0.6%, n=3), and "other" crimes (0.6%, n=3). Appendix C contains a complete list of the simultaneous offenses. Table 6 below illustrates the number of simultaneous offenses by category.

TABLE 6: CHARGES FOR SIMULTANEOUS OFFENSE CATEGORIES

CATEGORY	CHARGES	PERCENT
MOTOR VEHICLE OFFENSES	392	83.4%
CRIMES AGAINST PERSONS	46	9.8%
CRIMES AGAINST PROPERTY	15	3.2%
PUBLIC ORDER CRIMES	11	2.3%
CONTROLLED SUBSTANCE CRIMES	3	0.6%
OTHER CRIMES	3	0.6%
TOTAL	470	99.9**

**Percentages do not add up to 100% due to rounding.

7: DISPOSITIONS FOR SIMULTANEOUS OFFENSES

Data reveal that the most common disposition for simultaneous offenses was a fine (16.2%, n=68). Another popular finding, suspended sentence, accounted for 15.2% (n=64) of the dispositions. The total number of offenders who received incarceration for simultaneous offenses was 33, or 7.8%. Of these 33 offenders, 30.3% (n=10) were incarcerated on simultaneous charges of driving under the influence of liquor, and 21.2% (n=7) were incarcerated for the offense of operating to endanger. The majority of offenders convicted of drunk driving as a simultaneous offense were ordered to attend special alcohol education programs or treatment programs (7.8% n=33), while the majority of offenders convicted of operating to endanger received only fines (37.3% n=25). At the time of analysis, 47 cases were pending, and 2 cases were on default. These cases were excluded from the analysis for lack of of dispositional information. Table 7 examines the dispositions for all simultaneous offenses. Dispositions for drunk driving offenses are examined in Table 12.

TABLE 7: DISPOSITIONS FOR SIMULTANEOUS OFFENSES

<u>DISPOSITION</u>	<u>#</u>	<u>%</u>
INCARCERATION	33	7.8
PROBATION	42	10.0
FINE	68	16.2
SUSPENDED SENTENCE	64	15.2
SPLIT SENTENCE	16	3.8
FILED	56	13.3
NOLLE PROSSE	11	2.6
RECORD SEALED	21	5.0
ALCOHOL EDUCATION PROGRAM*	30	7.1
RESIDENTIAL TREATMENT*	3	0.7
CONTINUED	18	4.3
DISMISSED	57	13.5
RESTITUTION	2	0.5
TOTAL	421	100.0

*Dispositions designed for Drunk Drivers under Massachusetts General Laws, Chapter 90, Section 24.

Note: 49 cases were either pending or on default and therefore excluded from the analysis

C. DISPOSITIONS FOR LEAVING THE SCENE OF AN ACCIDENT

The findings for the two target offenses in this study were examined separately in the following two sections. Each section examines the dispositions and lengths of dispositions for the particular target offense, and then this data is broken down into 3 more tables, including: dispositions for offenders simultaneously charged with drunk driving, dispositions for offenders not

simultaneously charged with drunk driving, and finally, dispositions for the simultaneous drunk driving charge. The following sections attempt to give a better understanding of the consequences various hit and run offenders encounter.

8: LEAVING THE SCENE OF AN ACCIDENT

A. PROPERTY DAMAGE

Chapter 90, Section 24 (2) (a) of the Massachusetts General Laws, defines leaving the scene of property damage as: anyone who "...without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property..."

Of the 396 cases examined in this study, 275 offenders (69.4%) were responsible for a total of 334 counts of leaving the scene of property damage. Analysis reveals that almost 86% (n=236) of those charged with this target offense were arraigned on one count only. The 39 remaining counts can be attributed to individuals charged with multiple counts of the target offense, including 28 individuals (10.2%) with 2 counts, 6 individuals (2.2%) with 3 counts, only 1 person (0.4%) with 4 counts, and 4 individuals (1.4%) with 5 simultaneous counts of leaving the scene of property damage. These findings are illustrated in Table 8 along with the total number of counts for leaving the scene of personal injury.

B. PERSONAL INJURY

The offense of leaving the scene of personal injury is defined in Chapter 90, section 24, of the Massachusetts General Laws as anyone who goes away "without stopping and making known his name, residence, and the register number of his motor vehicle after having...knowingly collided with or otherwise caused injury to any person."

In this study, 181 offenders charged with leaving the scene of personal injury were responsible for a total of 229 counts. Of those, 148 offenders were charged with only one count, 22 offenders with two counts, 7 offenders with three counts and 4 offenders were charged with a total of 4 counts. Table 8 illustrates these results.

TABLE 8: NUMBER OF COUNTS FOR LEAVING THE SCENE OF AN ACCIDENT

<u># OF COUNTS</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	236	85.8	148	81.8
2	28	10.2	22	12.1
3	6	2.2	7	3.9
4	1	0.4	4	2.2
5	4	1.4	0	0.0
TOTAL	275	100.0	181	100.0

Note: 275 offenders charged with property damage were responsible for 334 offenses
 181 offenders charged with personal injury were responsible for 229 offenses

9: DISPOSITIONS FOR LEAVING THE SCENE OF AN ACCIDENT

A: PROPERTY DAMAGE OFFENDERS

Dispositions were available for 276 property damage offenses. Data for counts 1, 2, and 3 were examined collectively and the results are displayed in Table 9 as well as dispositional results of personal injury offenders.

For the majority of the sample, cases were either continued (18.5%, n=5), or dismissed (14.8%, n=41).

Other sentences included probation, which accounted for 13.8% (n=38) of the dispositions, and fines, which were required of 12.7% (n=35) of the offenders.

Because charges for leaving the scene of property damage are often dropped or reduced, it is possible to see a much lower rate of incarceration. In this study, only 9.5% (n=26) of the offenders received either straight incarceration or a split sentence. Five offenders (1.8%) were ordered to pay restitution.

Excluded from the analysis for lack of information were those cases that were still pending at the time of analysis (n=39), and those cases that were on default (n=10).

B: PERSONAL INJURY OFFENDERS

Dispositions were available for 202 personal injury offenders. Excluded were nineteen cases that were pending, and three cases that were on default. Data for all three counts were combined and examined collectively as displayed in Table 9.

Over one-fifth of the offenders received a suspended sentence for a personal injury offense (20.2%, n=41). The second most popular disposition was a dismissal; over seventeen percent of the defendants had their case dismissed within five months of their original arraignment date (17.8% n=36). An additional 25 cases were dismissed after a continuance of more than five months (12.4%).

Overall, twenty-six offenders received some form of incarceration (12.8%) either through a split sentence (6.9% n=14) or through a term of straight incarceration (5.9%, n=12). Eighteen offenders received probation (8.9%) while eighteen others received a fine (8.9%). Four offenders were ordered to pay restitution, and one offender was assigned to community service.

The dispositions for property damage and personal injury offenders were compared in order to get a clearer view of the sentencing patterns between the two offenses.

Although incarceration rates appeared to be similar for each offense, those offenders convicted of leaving the scene of personal injury received more suspended sentences (20.3% v 11.2%) than those offenders convicted of causing property damage.

Those offenders charged and convicted of leaving the scene of property damage tended to receive dispositions of probation and fines more often than those convicted of causing personal injury. Property damage offenders also appeared to have their case continued more often.

TABLE 9: DISPOSITIONS FOR LEAVING THE SCENE OF AN ACCIDENT

<u>DISPOSITION</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
INCARCERATION	17	6.2	12	5.9
PROBATION	38	13.8	18	8.9
FINE	35	12.7	18	8.9
SUSPENDED SENTENCE	31	11.2	41	20.3
SPLIT SENTENCE	9	3.3	14	6.9
FILED	26	9.4	16	7.9
NOLLE PROSSE	8	2.9	4	2.0
RECORD SEALED	15	5.4	13	6.4
CONTINUED	51	18.5	25	12.4
DISMISSED	41	14.8	36	17.8
RESTITUTION	5	1.8	4	2.0
COMMUNITY SERVICE	0	0.0	1	0.5
TOTAL	276	100.0	202	99.9**

**Percentages do not add up to 100.0% due to rounding.

10: DISPOSITIONS FOR LEAVING THE SCENE OFFENDERS SIMULTANEOUSLY CHARGED WITH DRUNK DRIVING

A. PROPERTY DAMAGE OFFENDERS

Data reveal that 32.4% (n=89) of the offenders charged with leaving the scene of property damage were also charged with drunk driving. These 89 offenders were responsible for 104 hit and run offenses. This implies that several offenders had more than one count of leaving the scene of property damage. Dispositions for those offenders were also examined to see if the drunk driving offense had an impact on their case. The results reveal that the majority of offenders had their cases filed (18.2%, n=16), or continued (18.2%, n=16). Twelve offenders (13.6%) received some form of incarceration and 11 offenders (12.5%) received probation.

As stated before, the high percentage of property damage dismissals and continuances may be attributed to the fact that this was not the most serious offense the person was charged with. Table 10 illustrates dispositions for leaving the scene offenders simultaneously charged with drunk driving.

B. PERSONAL INJURY OFFENDERS

Analysis of the data in Table 10 reveals that of the 181 offenders charged with leaving the scene of personal injury, 54 were simultaneously charged with drunk driving (29.8%). These 54 offenders were responsible for 72 hit and run offenses. This implies that several offenders had more than one count of leaving the scene of personal injury. Dispositions were examined to see if the simultaneous drunk driving charge had an impact on their case. Over one-quarter of the offenders received suspended sentences (25.7% n=17), while 16.7% (n=11) of the offenders had their case dismissed. Only eight offenders received some form of incarceration, either through a term of straight incarceration (4.5%, n=3) or through a split sentence (7.6% n=5). Four offenders' cases were sealed as a result of a finding of not guilty, no bill or no probable cause.

TABLE 10: DISPOSITIONS FOR LEAVING THE SCENE OFFENDERS SIMULTANEOUSLY CHARGED WITH DRUNK DRIVING

<u>DISPOSITION</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
INCARCERATION	8	9.1	3	4.5
PROBATION	11	12.5	7	10.6
FINE	13	14.8	4	6.1
SUSPENDED SENTENCE	6	6.8	17	25.7
SPLIT SENTENCE	4	4.5	5	7.6
FILED	16	18.2	9	13.6
NOLLE PROSSE	2	2.3	0	0.0
RECORD SEALED	5	5.7	4	6.1
RESTITUTION	1	1.1	0	0.0
CONTINUED	16	18.2	6	9.1
DISMISSED	6	6.8	11	16.7
TOTAL	88+	100.0	66++	100.0

+ 16 cases were either pending or on default and therefore excluded from the analysis

++ 6 cases were pending and therefore excluded from the analysis

11. DISPOSITIONS FOR LEAVING THE SCENE OFFENDERS NOT SIMULTANEOUSLY CHARGED WITH DRUNK DRIVING

A. PROPERTY DAMAGE OFFENDERS

Interesting results occur in the comparison of property damage dispositions for those simultaneously charged with drunk driving (Table 10), and for those not simultaneously charged with drunk driving (Table 11).

The most significant difference lies in the number of dismissals. Those offenders not simultaneously charged with drunk driving were approximately three times more likely to have their case dismissed (18.6%, n=35). Also, only 7.5% (n=14) of the non-drinking offenders were incarcerated, while offenders charged with drunk driving were almost twice as likely to be incarcerated for their property damage offense. Both of these findings suggest that the presence of a

simultaneous drunk driving charge may, in fact, have an impact on the outcome of a case, as drunk drivers are a more serious threat on the road.

Another interesting observation is that those offenders charged with drunk driving were three times as likely to have their case filed, perhaps while harsher action was being taken on the drunk driving charge.

B. PERSONAL INJURY OFFENDERS

One surprising finding is that a slightly higher percentage of offenders not charged with drunk driving were incarcerated. Over 12% of those offenders simultaneously charged with drunk driving were incarcerated, as opposed to 13.2% of the non-drinking drivers. Also, those offenders who were simultaneously charged with drunk driving were more than twice as likely as their sober counterparts to have their case filed (13.6% vs 5.1%). This, however, may reflect that the personal injury charge is quickly disposed of in order to deal more effectively with the drunk driving charge.

Another interesting finding was that more offenders not simultaneously charged with drunk driving were ordered to pay fines than the offender simultaneously charged with drunk driving (10.3% vs 6.1%). Also, more offenders charged with drunk driving received suspended sentences (25.7% n=17) while non-drunk drivers received fewer (17.6%, n=24).

It is also interesting to note that those offenders simultaneously charged with drunk driving did not receive dispositions of restitution or community service, nor were their cases nolle prossed. Table 11 depicts dispositions for Personal Injury Offenders not charged with drunk driving.

TABLE 11: DISPOSITIONS FOR LEAVING THE SCENE OFFENDERS NOT
SIMULTANEOUSLY CHARGED WITH DRUNK DRIVING

<u>DISPOSITION</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
INCARCERATION	9	4.8	9	6.6
PROBATION	27	14.4	11	8.1
FINE	22	11.7	14	10.3
SUSPENDED SENTENCE	25	13.3	24	17.6
SPLIT SENTENCE	5	2.7	9	6.6
FILED	10	5.3	7	5.1
NOLLE PROSSE	6	3.2	4	2.9
RESTITUTION	4	2.1	4	2.9
RECORD SEALED	10	5.3	9	6.6
CONTINUED	35	18.6	19	14.0
DISMISSED	35	18.6	25	18.4
TOTAL	188	100.0	136	99.8**

**Percentages do not add up to 100.0% due to rounding.

Note: It is important to keep in mind that Tables 10 and 11 examine dispositions for the number of offenses, not offenders, as many offenders had more than one count of the target offense

12: DISPOSITIONS FOR SIMULTANEOUS DRUNK DRIVING OFFENSES

A. PROPERTY DAMAGE OFFENDERS

When the disposition for simultaneous drunk driving offenses were examined for those individuals charged with causing property damage, the results were quite informative. Comparison of these results and the results found in Table 9 further illustrate the proposal that a lesser offense may be dropped or reduced in lieu of a more serious offense.

Analysis reveals an incarceration rate (which includes both incarceration and split sentences) of approximately 15% (n=12). The most widely received disposition for drunk driving was an alcohol education program for drunk drivers, which accounted for over one-fourth of the dispositions (26.5% n=22). The second most popular disposition for drunk drivers was probation. Of the 83 drunk driving

offenders for which dispositions were available, 15.7% (n=13) were placed on probation. Only 12.6% (n=11) offenders sentenced for leaving the scene of property damage received probation.

Offenders sentenced for a simultaneous drunk driving offense, were more likely to receive an alcohol education program or residential treatment (28.9%, n=24), or a suspended sentence (21.7%, n=18) for the drunk driving offense rather than for the property damage offense, and less likely to receive a fine (3.7%, n=3) or have their case filed.

The number of continued and dismissed cases also differed. There was a total of 22 (25.0%) continued or immediately dismissed cases for offenders sentenced for the property damage offense, while only 10 (12%) of the drunk driving cases were continued or immediately dismissed.

Further analysis reveals that 50% of the offenders dismissed on the property damage offense were given a harsher sentence for the drunk driving offense, such as an alcohol education program, probation or a suspended sentence.

B. PERSONAL INJURY OFFENDERS

Over one-fifth of the offenders charged with causing personal injury and convicted of drunk driving were sent to an alcohol education program for drunk drivers (21.6%, n=11) or a residential treatment program for drunk drivers (20.0%, n=1). Approximately one-fifth more received a suspended sentence (19.6%, n=10). Over 13% of the drunk driving cases were dismissed immediately (37.7%, n=7).

Almost ten percent of the drunk driving cases resulted in some form of incarceration, either through straight incarceration (5.9%, n=3), or through a split sentence (3.9%, n=2). The same percentage of cases resulted in a fine (9.8%, n=5), while almost six percent of the cases (5.9%, n=3) were continued.

In comparing the offenders' personal injury offense with their drunk driving offense, statistics reveal that more offenders received suspended sentences for their drunk driving offense (7.6%, n=5 and 19.6%, n=10 respectively). Also, offenders simultaneously charged with drunk driving had their personal injury offense filed more often than their drunk driving offense (13.6%, n=9 and 2.0%, n=1 respectively).

These findings suggest that the personal injury hit and run offense may have been handled as the less serious offense in order to more fully prosecute the drunk driving charge. Table 12 examines dispositions for a simultaneous drunk driving offense.

TABLE 12: DISPOSITIONS FOR SIMULTANEOUS DRUNK DRIVING OFFENSES

<u>DISPOSITION</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>	
	<u>#</u>	<u>\$</u>	<u>#</u>	<u>\$</u>
INCARCERATION	9	11.0	3	5.9
PROBATION	13	15.7	6	11.8
FINE	3	3.7	5	9.8
SUSPENDED SENTENCE	18	21.7	10	19.6
SPLIT SENTENCE	3	3.6	2	3.9
FILED	0	0.0	1	2.0
NOLLE PROSSE	1	1.2	0	0.0
PROGRAM*	22	26.5	11	21.6
RESIDENTIAL TREATMENT*	2	2.4	1	2.0
RECORD SEALED	2	2.4	2	3.9
CONTINUED	2	2.4	3	5.9
DISMISSED	8	9.6	7	13.7
TOTAL	83-	100.0	51++	100.0

* Special alcohol education programs designed especially for drunk drivers.

+ 7 cases were either pending or on default and therefore excluded from the analysis

Note: Of the 89 offenders simultaneously charged with drunk driving, one offender was charged with 2 counts, which accounts for 90 offenses.

++ 3 cases were pending and therefore excluded from the analysis

13: LENGTH OF DISPOSITION FOR LEAVING THE SCENE OF AN ACCIDENT

A. PROPERTY DAMAGE OFFENDERS

Out of the 276 dispositions available for the offense of leaving the scene of property damage, 95 offenders received dispositions which involved either incarceration, probation, a split sentence, or a suspended sentence. Two offenders were given a period of time to pay a fine or restitution. The longest disposition period for a property damage offender in this study was 60 months, or 5 years. Only one

person, or 1.0% of the sample, received this sentence, while 22 offenders (22.7%) received a disposition period of 6 months or less.

The most common length of disposition was 7 to 12 months (37.1%, n=36), followed closely by a period of 19 to 24 months (29.9%, n=29). This data, as illustrated in Table 13, suggests that property damage offenders are more likely to receive shorter sentences of two years or less, while a recent Office of the Commissioner of Probation study suggests that offenders of a more serious crime such as motor vehicle homicide may receive a sentence of up to twenty years.

B. PERSONAL INJURY OFFENDERS

Of the 119 offenders convicted of leaving the scene of personal injury, seventeen were fined (13.6%), and fifteen had their cases filed (12.8%). The remaining eighty-seven offenders received dispositions ranging in length from 1 month to 37 months, with the median length being 12 months. A total of 85 offenders received dispositions which involved either incarceration, probation, a split sentence, or a suspended sentence, and an additional 2 offenders received time periods in which to pay a fine or restitution.

Almost forty percent of the offenders had a length of disposition of 7 to 12 months (39.1%, n=34). Twenty-six percent accounted for the disposition of 19 to 24 months (26.4%, n=23), as well as the disposition of six months or less (26.4%, n=23), and seven percent had between 13 and 18 months (6.9%, n=6). One offender received a disposition of 36 months (1.1%). More than one-third of the males convicted of leaving the scene of personal injury received a disposition of more than one year (40%, n=32). None of the females in the study received a disposition of more than one year for this offense.

TABLE 13: LENGTH OF DISPOSITION FOR LEAVING THE SCENE OF AN ACCIDENT

<u>MONTHS</u>	<u>PROPERTY DAMAGE</u>		<u>PERSONAL INJURY</u>		<u>TOTAL</u>	
	<u>#</u>	<u>\$</u>	<u>#</u>	<u>\$</u>	<u>#</u>	<u>\$</u>
6 OR LESS	22	22.7	23	26.4	45	24.5
7-12	36	37.1	34	39.1	70	38.0
13-18	6	6.2	6	7.0	12	6.5
19-24	29	29.9	23	26.4	52	28.3
25-30	0	0.0	0	0.0	0	0.0
31-36	2	2.1	1	1.1	3	1.6
37-48	1	1.0	0	0.0	1	1.0
49-60	1	1.0	0	0.0	1	1.0
TOTAL	97*	100.0	87	100.0	184	99.9**

** Percentages do not add up to 100.0% due to rounding.

Note: 2 offenders were given time periods for payment of a fine or restitution

14: TIME TO DISPOSITION

Time to disposition is the length of time between the date of arraignment and the date of final disposition. Time to disposition was available for 340 cases. Fifty-five cases were either pending or on default at the time this report was prepared. Time to disposition was missing for one offender.

Over all, the amount of time a case took to reach disposition ranged from less than one month to five years, with the median length of time being a little over two months. Almost a third of the cases reached final disposition in one month or less (29.4%, n=100). More than half of the cases reached final disposition in three months or less (58.8%, n=200) and nearly three-quarters of the cases reached final disposition in six months or less (72.3% n=246). Table 14 reflects time to disposition.

TABLE 14: TIME TO DISPOSITION

<u>MONTHS</u>	<u>NUMBER</u>	<u>PERCENT</u>
6 OR LESS	246	72.3
7 TO 12	65	19.2
13 TO 18	22	6.5
19 TO 24	3	0.9
25 OR MORE	4	1.2
TOTAL	340	100.0

D. PRIOR CHARGES/CONVICTIONS FOR MOTOR VEHICLE VIOLATIONS

15: PRIOR CHARGES/CONVICTIONS FOR MAJOR MOTOR VEHICLE OFFENSES

The criminal histories of the offenders in our study were examined for the presence of specific major motor vehicle offenses in an attempt to identify possible correlations between these prior offenses and the commission of the target offense: leaving the scene of an accident. An offender with a criminal history of prior major motor vehicle offenses may be more predisposed than the average driver to become involved in a hit and run accident. Appendix B displays the offenses that were deemed to be major for this study.

Over half of the offenders in our study were charged with at least one major motor vehicle offense prior to the arraignment date of the hit and run offense (55.6%, n=220). The number of prior charges ranged from 1 to 35. Over half of this group were charged with three or more prior major motor vehicle offenses.

It is interesting to note that in a recent Office of the Commissioner of Probation report entitled, Motor Vehicle Homicide: The Offense and the Offender, similar data reveal that only 38% of the offenders were previously charged with at least one prior major motor vehicle offense. Offenders, therefore, may be more likely to leave the scene of an accident, whether it be a fatal or less serious accident, if they fear a harsher sentence based on their history of major motor vehicle offenses.

A total of 170 offenders were convicted of at least one prior major motor vehicle offense, which is over three-quarters of those charged (77.3%). The number of prior convictions ranged from 1 to 21. Half of this group had three or more prior major motor vehicle convictions (50.0%, n=85). Table 15 depicts the distribution of charges and convictions.

TABLE 15: PRIOR CHARGES/CONVICTIONS FOR MAJOR MOTOR VEHICLE OFFENSE

<u>NUMBER OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	46	20.9	52	30.6
2	48	21.8	33	19.4
3	19	8.6	24	14.1
4	24	10.9	18	10.8
5	19	8.6	9	5.3
6 - 10	39	17.7	22	12.9
11 - 15	14	6.4	9	5.3
16 - 20	5	2.3	2	1.2
21 - 25	3	1.4	1	0.6
26 - 30	1	0.5	0	0.0
31 - 35	2	0.9	0	0.0
TOTAL	220	100.0%	170	100.0%

16: PRIOR CHARGES/CONVICTIONS FOR HIT AND RUN OFFENSES

Out of 396 sampled individuals, there were 97 individuals charged with at least one hit and run offense prior to the target offense. The majority of these individuals (76.3%, n=74) were charged with one or more counts of leaving the scene of property damage, and the remaining individuals (23.7%, n=23) were charged with at least one count of leaving the scene of personal injury. Twelve individuals were previously charged with both hit and run offenses, and 7 of these 12 were convicted.

Although the majority of individuals were charged with just one prior hit and run offense, there was one individual with 7 prior charges, and one with 8. There was also one individual charged with 5 prior personal injury offenses.

Data reveal that slightly more than half of those charged with a prior hit and run offense were convicted (51.5%, n=50). Although not depicted in Table 16, 38 of the 50 convicted offenders, or 76%, were convicted of at least one property damage offense, and 12, or 24%, were convicted of one or more personal injury offense. One individual was convicted on 8 prior charges of leaving the scene of property damage. Data for the prior charges and convictions of both offenses were combined and can be examined in Table 16.

TABLE 16: PRIOR CHARGES/CONVICTIONS FOR HIT AND RUN OFFENSES

<u>NUMBER OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTION</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	73	75.2%	39	78.0%
2	15	15.5%	8	16.0%
3	3	3.1%	1	2.0%
4 OR MORE	6	6.2%	2	4.0%
<hr/>				
TOTAL	97*	100.0%	50	100.0%

*Of 97 prior offenses, 76.3% (n=74) were property damage offenses.

17: PRIOR CHARGES/CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL

Except for prior major motor vehicle offenses, the most prominent single prior offense was driving under the influence of alcohol. Out of 396 offenders, 125 (31.6%) were previously charged with at least one drunk driving offense. The majority of offenders (57.6% n=72) had only one prior charge, but there were several individuals with two or more charges, as Table 17 illustrates. Unlike the results of prior drunk driving charges in a recent Office of the Commissioner of Probation study on motor vehicle homicide, hit and run offenders had up to 10 prior drunk driving charges. Ten individuals had 4 or more charges, while only one motor vehicle homicide offender had 4 prior drunk driving charges.

A large majority of those charged with prior drunk driving offenses were convicted (60%, n=75). Once again, the vast majority of offenders were responsible for one count only, (69.3%, n=52), although there were offenders convicted on up to 7 prior counts of drunk driving.

These results, along with the results of the simultaneous drunk driving counts, suggest that driving under the influence of alcohol may be a major risk predictor for reckless driving habits. Finally, intoxicated operators, especially those with prior drunk driving records, are more likely to leave the scene of an accident because they are aware of the penalties for multiple counts of drunk driving. Further analysis seems to bear this out, for it was revealed that almost half of those offenders simultaneously charged with drunk driving also had a prior drunk driving offense, suggesting that they may have been aware of the dangers of rearrest and decided to flee the scene of the accident rather than face the impending consequences.

TABLE 17: PRIOR CHARGES/CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL

<u>NUMBER OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	72	57.6%	52	69.3%
2	31	24.8%	15	10.0%
3	12	9.6%	6	8.0%
4 or more	10	8.0%	2	2.7%
TOTAL	125	100.0%	75	100.0%

18: PRIOR CHARGES/CONVICTIONS FOR OPERATING TO ENDANGER

Of the 396 offenders in this study, 93, or 25.2%, were responsible for at least one prior charge of operating to endanger, although a large number of offenders were previously charged with more than one count, as Table 18 illustrates. Seven individuals were charged with 4 or more prior counts of operating to endanger, while further analysis reveals that one individual had 7 prior charges.

Almost 65% (n=60) of those previously charged with at least one count of operating to endanger were convicted. These results suggest that slightly more than 15% of the offenders in this study had at least one prior conviction for operating to endanger.

TABLE 18: PRIOR CHARGES/CONVICTIONS FOR OPERATING TO ENDANGER

<u>NUMBER OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	61	65.6	45	75.0
2	19	20.4	9	15.0
3	6	6.5	4	6.7
4 OR MORE.	7	7.5	2	3.3
TOTAL	93	100.0	60	100.0

19: PRIOR CHARGES/CONVICTIONS FOR VIOLATION OF THE COMPULSORY INSURANCE LAW

According to interviews conducted as a part of the research for this report, one of the most prominent, yet often overlooked, reasons for leaving the scene of an accident is attributed to prior insurance law violations. As a result of this widely-held view, the number of prior charges and convictions for violation of the Massachusetts Compulsory Insurance Law (as mandated in Massachusetts General Laws, Chapter 90, Section 34A) were examined.

There were 79 individuals (20%) previously charged with at least one count of the insurance law violation. Significantly, 10 of those 79 were charged with 4 or more counts, and one individual was even reported to have as many as 12 prior charges for violating the insurance law.

Over 12% (n=49) of the sampled offenders were convicted for violating the compulsory insurance law. A large percentage of these offenders (63.3%, n=31) were responsible for one count only, although convicted on more than one count. These results are displayed in Table 19.

Although prior moving motor vehicle offenses appear to be more directly associated with hit and run accidents, results of this analysis suggest that prior non-moving motor vehicle violations, such as violation of the compulsory insurance law, can also play a role.

TABLE 19: PRIOR CHARGES/CONVICTIONS FOR VIOLATION OF THE COMPULSORY INSURANCE LAW

<u># OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	53	67.1	31	63.3
2	12	15.2	8	16.3
3	4	5.1	3	6.1
4 OR MORE	10	12.6	7	14.3
TOTAL	79	100.0	49	100.0

20: PRIOR CHARGES/CONVICTIONS FOR OPERATING AFTER SUSPENSION/ REVOCATION OF LICENSE

Less than twelve percent of the offenders in this study (11.6%, n=46) had at least one prior offense of operating after the suspension/revocation of their license. The number of prior offenses ranged from one to nine.

Over sixty percent of the offenders had one prior offense of operating after suspension/revocation of their license (63.0%, n=29). Fifteen percent had two prior offenses; 9% had three prior offenses; 7% had four prior offenses; and 2% had five or more prior offenses.

Over 71% of the offenders (n=33) charged with operating after the suspension/revocation of a license were convicted of one prior offense. Table 20 shows the distribution of charges and convictions.

TABLE 20: PRIOR CHARGES/CONVICTIONS FOR OPERATING AFTER SUSPENSION/REVOCATION OF LICENSE

<u># OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	29	63.0	22	66.7
2	7	15.2	4	12.1
3	4	8.7	4	12.1
4 OR MORE	6	13.0	3	9.1
TOTAL	46	99.9**	33	100.0

**Percentages do not add up to 100.0% due to rounding.

21: PRIOR CHARGES/CONVICTIONS FOR LARCENY OF A MOTOR VEHICLE

Of the 396 offenders in this study, seven percent (7.1%, n=28) had at least one prior charge of larceny of a motor vehicle. The number of prior offenses for this charge ranged from one to nine. Nearly half of these offenders had only one prior offense (46.4%, n=13). Almost 29% had two prior offenses, 18% had three prior offenses, and 7% had four or more prior offenses.

Over sixty percent of the offenders (n=17) charged with larceny of a motor vehicle were convicted (60.7%). Table 21 displays the distribution of charges and convictions.

TABLE 21: PRIOR CHARGES/CONVICTIONS FOR LARCENY OF A MOTOR VEHICLE

<u># OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	13	46.4	10	58.8
2	8	28.6	4	23.5
3	5	17.9	2	11.8
4 OR MORE	2	7.1	1	5.9
TOTAL	28	100.0	17	100.0

22: PRIOR CHARGES/CONVICTIONS FOR USE WITHOUT AUTHORITY

Of the 396 offenders, over fifteen percent (15.4%, n=61) had at least one prior offense of use without authority. The number of prior offenses for use without authority ranged from one to nine. Over half of these offenders had only one prior offense (50.8%, n=31). Fourteen percent had two prior offenses, 14% had three prior charges, and 19.7% had four or more prior charges. Use without authority appeared nine times on 2 offenders' records.

Two-thirds of the offenders charged with use without authority in the past (66.7%, n=40) were convicted of those offenses. Table 22 displays the distribution of charges and convictions.

TABLE 22: PRIOR CHARGES/CONVICTIONS FOR USE WITHOUT AUTHORITY

<u># OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	31	50.8	19	47.5
2	9	14.7	8	20.0
3	9	14.7	7	17.5
4 OR MORE	12	19.7	6	15.0
TOTAL	61	99.9**	40	100.0

**Percentages do not add up to 100.0% due to rounding.

23: PRIOR CHARGES/CONVICTIONS FOR SPEEDING

The Office of the Commissioner of Probation has been keeping records on speeding violations that have gone before a Massachusetts Trial Court since January 1, 1980. Almost fourteen percent of the offenders in this study had at least one prior speeding charge (13.9%, n=55). The number of speeding charges ranged from one to eight. Over 70% of the offenders had only one prior offense (70.9%, n=39). Fifteen percent had two prior offenses, 9% had three prior offenses, 4% had four prior offenses, and one offender had eight prior offenses.

A total of forty-eight offenders had at least one speeding conviction, representing over three-quarters of those charged (87.3%, n=48). Table 23 displays the distribution of charges and convictions.

TABLE 23: PRIOR CHARGES/CONVICTIONS FOR SPEEDING

<u># OF OFFENSES</u>	<u>CHARGES</u>		<u>CONVICTIONS</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
1	39	70.9	35	72.9
2	8	14.5	8	16.7
3	5	9.1	3	6.3
4 OR MORE	3	5.4	2	4.2
TOTAL	55	99.9**	48	100.1**

**Percentages do not add up to 100.0% due to rounding.

V. CONCLUSION

A typical hit and run offender might be described as a male between 17 and 30 years of age who has a history of charges for various motor vehicle violations. Data reveal that almost 90% (n=356) of the 396 offenders studied were male, and more than 55% (n=220) had been charged with at least one major motor vehicle offense in the past. Almost 32% (n=125) of the offenders had prior drunk driving charges while nearly 25% had a previous record of hit and run accidents.

These statistics not only appear to be indicative of poor driving habits and irresponsibility, but also of a disregard for human life and/or personal property. For example, approximately 65% of the offenders were charged with at least one simultaneous offense in addition to their hit and run charge. Almost half of the simultaneous charges were for drunk driving (49%, n=127), and an additional 25.2% (n=93) offenders were simultaneously charged with operating to endanger.

Although 14.6% (n=58) of the cases in this study were pending and 13 cases were on default at the time this report was prepared, data reveal that more than 72% of the cases reached a final disposition within 6 months.

Of the 276 property damage cases that reached a disposition, 9.5% received some form of incarceration. Seventeen cases (6.2%) received straight incarceration, and nine cases (3.2%) were given split sentences. For personal injury offenses, 12 cases (5.9%) received straight incarceration, and 14 cases (6.9%) were given split sentences which implies that 12.8% of the cases received some form of incarceration for that offense. More common dispositions for both offenses included probation, fines, and suspended sentences. The lengths of dispositions ranged from one month to 5 years.

Eastern Massachusetts counties accounted for over 71% of the 396 cases examined in this study (71.7%, n=284). The individual county with the highest concentration of cases was Middlesex, with 18.2% (n=72). Essex County contained the next highest number of cases, with 13.4% (n=53).

Overall, the majority of hit and run accidents may be attributed to a combination of reckless driving habits and a history of motor vehicle violations. Similar to the findings in the report, Motor Vehicle Homicide: The Offense and the Offender, hit and run accidents are often accompanied by drunk driving, which further suggests that alcohol is a major contributor to poor driving habits.

VI. APPENDIX

APPENDIX A: MASSACHUSETTS GENERAL LAWS REGARDING LEAVING THE
SCENE OF AN ACCIDENT

Chapter 90, section 24 of Massachusetts General Law states:

Whoever, upon any way or in any place to which the public has a right of access, or upon any way or any place to which members of the public have access as invitees or licensees,... without stopping and making known his name, residence, and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property... shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both.

Whoever, upon any way or in any place to which the public has a right of access, or upon any way or any place to which members of the public have access as invitees or licensees,... and without stopping and making known his name, residence, and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person shall be punished by imprisonment for not less than two months nor more than two years.

APPENDIX B: MAJOR MOTOR VEHICLE OFFENSES

OPERATING RECKLESSLY	110A
OPERATING UNDER THE INFLUENCE OF LIQUOR	111A
OPERATING UNDER THE INFLUENCE OF DRUGS	111B
MOTOR VEHICLE HOMICIDE	
MOTOR VEHICLE HOMICIDE UNDER THE INFLUENCE OF LIQUOR	111C
DRINKING WHILE DRIVING	111D
OPERATING AS TO ENDANGER THE LIVES AND SAFETY	112A
GOING AWAY AFTER CAUSING OTHER VEHICLE/PROPERTY DAMAGE	113A
GOING AWAY AFTER CAUSING INJURY TO ANOTHER PERSON .	113B
USE WITHOUT AUTHORITY <u>OR</u> USE W/O AUTH. AFTER S/R OF LIC.	114A
OPERATING AFTER SUSPENSION/REVOCATION OF LICENSE	114B
OPERATING AFTER SUSPENSION/REVOCATION OF REGISTRATION	114C
FALSE STATEMENT ON APPLICATION	114G
IMPERSONATING OR PROCURING FALSE IMPERSONATION	114H
LOANING LICENSE	114I
ALTERING DRIVER'S LICENSE OR REGISTRATION	114M
COUNTERFEITING A LICENSE, REGISTRATION, OR INSPECT. STICKER	114N
UPON A BET OR WAGER TO WIN RACE	115S
FOR PURPOSE OF MAKING RECORD	116C
VIOLATION OF COMPULSORY INSURANCE LAW	118A
REMOVING OR DEFACING ENGINE OR SERIAL NUMBER	122A
BY LICENSED CHAUFFEUR, FOR VIOL OF MV LAW BY UNLIC. PERSON	123F
ATTACHING WRONG PLATES	124P
POSSESSING MASTER KEYS	124Q
OWNER OR LIC. OPERATOR, FOR VIOL OF RULES BY UNLIC. PERSON HE ACCOMPANIES	123G
ABANDONMENT OF MOTOR VEHICLE	

APPENDIX D: SIMULTANEOUS OFFENSE CATEGORIES

NUMBER OF CHARGES

CATEGORY	NUMBER	PERCENT
1. MOTOR VEHICLE OFFENSES		
Operating to Endanger	116	25.1%
Driving under the Influence of Liquor	127	27.0%
Operating Under the Influence of Drugs	1	0.2%
Drinking and Driving	1	0.2%
Use Without Authority	16	3.5%
Operating after sus/rev of license	23	4.9%
Violation of Compulsory Insurance Law	33	7.0%
Operating who being properly licensed	3	0.6%
Operating who license/certif on person	5	1.1%
Operating who being properly registered	1	0.2%
Attaching Wrong Plates	12	2.6%
Speeding	21	4.5%
Operating Rearlessly	5	1.0%
Motor Vehicle Homicide	3	0.6%
MV Homicide While DUIL	1	0.2%
Two Counts MV Homicide	1	0.2%
Failure to Report Accident	3	0.6%
Counterfeiting Lic/Reg/ sticker	3	0.6%
Failure to stop at Intersection	1	0.2%
Traffic Light Violation	1	0.2%
	396	88.4%
2. OFFENSE AGAINST PERSONS		
Manslaughter	3	0.6%
Assault & Battery w dangerous weapon	22	4.7%
Armed Robbery	2	0.4%
Assault w dangerous weapon	3	0.6%
Threatening	3	0.6%
Assault on Police Officer	3	0.6%
Assault by Auto	3	0.6%
Assault & Battery	2	0.4%
	40	8.9%

APPENDIX C: SIMULTANEOUS OFFENSE CATEGORIES

NUMBER OF CHARGES

CATEGORY	NUMBER	PERCENT
3. CRIMES AGAINST PROPERTY		
Larceny of Motor Vehicle	6	1.8%
Larceny, Mors	2	0.4%
Breaking & Entering Day/Night	1	0.2%
Malicious Destruction of Property	3	0.8%
Defrauding Insurer	1	0.2%
Larceny from Building	1	0.2%
Receiving Stolen Motor Vehicle	1	0.2%
	15	3.2%
4. PUBLIC ORDER CRIMES		
Minor Transporting Alcohol	5	1.1%
Disorderly Person	4	0.9%
Public Disorder	1	0.2%
Possession of Dangerous Weapon	1	0.2%
	11	2.3%
5. CONTROLLED SUBSTANCE CRIMES		
Possession of Pico Needle	2	0.4%
Possession Class A Intent Distribute	1	0.2%
	3	0.6%
6. OTHER CRIMES		
Refusing to aid Police Officer	3	0.4%
Disorderly	1	0.2%
	4	0.8%
TOTAL	470	100.0%

VII. ADDENDUM

As of July 1, 1986, the Massachusetts Legislature, through enactment of Chapter 794 of the Acts of 1985, passed a bill decriminalizing minor motor vehicle offenses. For the purposes of this study, minor motor vehicle offenses (including speeding) were examined. It is important to recognize that the offenses examined are no longer criminal and should be reviewed for informational purposes only.

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